

**Enrolled Minutes of the Seventieth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, September 08, 2014**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, September 08, 2014 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dennis Adams, Konnie Kuiper and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The IT Contractor reported the continuing problem closing out the former service agreements with AT&T. He further noted that he recommended bringing the Metropolitan Police Department fully into the current Comcast supported Voice Over Internet telecommunications agreement. He noted it would be necessary to purchase a new audio recorder for use for the regular phone service. The current recorder was analog and not compatible with the voice over internet protocols (VOIP). He further opined that the device would cost approximately \$21,000.

The study session ended at 7:02 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, September 08, 2014 at 7:05 clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Dennis Adams reciting the Pledge of Allegiance to the Flag of the United States of America and Councilor Bernie Zemen offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark A. Herak, Dennis Adams, Konnie Kuiper and Dan Vassar. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Katie Minchuk, Deputy Clerk-Treasurer; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, Jr., CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; and Cecile Petro, Redevelopment Director were present.

Also present: Steve Mileusnich of the Advisory Board of Zoning Appeals; Ed Dabrowski IT Director (Contract); and Randy Bowman, Assistant Inspector for Electrical were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of 25 August 2014 and the special meeting of 04 September 2014 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget of the **Corporation Capital Fund in the amount of \$1,098,000; the General Improvement Fund in the amount of \$23,368; and the Special Events Non-Reverting Fund in the amount of \$40,000.**
 - (a) Attorney verification of Proofs of Publication: The Town Attorney indicated that the proofs were in compliance with IC 5-3-1. (The TIMES 22 August 2014; 26 August 2014; and 28 August 2014 as each was separately published.)
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2014-37:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Corporation Capital Fund in the amount of \$1,098,000; the General Improvement Fund in the amount of \$23,368; and the Special Events Non-Reverting Fund in the amount of \$40,000,** pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

Councilor Herak introduced Enactment No. 2014-37 and moved for its consideration at the same meeting of its introduction. Councilor Adams seconded. Upon a roll call vote a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved for the passage and adoption of Enactment No. 2014-37 at the same meeting of its introduction. Councilor Adams seconded. Upon a roll call vote a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2014-37**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL EVENT NON REVERTING FUND, GENERAL IMPROVEMENT FUND, AND CORPORATION CAPITAL FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Events Non Reverting Fund, General Improvement Fund, and the Corporation Capital Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Events Non-Reverting Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL EVENTS NON-REVERTING FUND

Acct. No. 3XX.XX: Event Partner Revenue Shares	\$ 40,000.00
<i>Total Series:</i>	\$ 40,000.00
Fund Total:	\$ 40,000.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Acct. No. 4XX.XX: 3300 Block Condit:		\$ 23,368.00
	Total Series:	\$ 23,368.00
	Fund Total:	\$ 23,368.00

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

CORPORATION CAPITAL FUND

Acct. No. 4XX.XX: Construction Police Station Project:		\$ 1,098,000.00
	Total Series:	\$ 1,098,000.00
	Fund Total:	\$1,098,000.00

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 8th Day of September 2014. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 8TH Day September 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Public Hearing:** On the matter of Establishing of Economic Development Target Area to be co-terminus with the ERA approved June 21, 2010.
 - (a) Attorney verification of Proofs of Publication: The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1. (The TIMES 28 August 2014)
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The hearing was closed.
 - (c) Consideration of Introduced Ordinance No. 1564. Councilor Mark Herak introduced and filed this ordinance at the meeting of August 25, 2014. There was no further action.

Councilor Herak moved the passage and adoption of Ordinance No. 1564. Councilor Adams seconded it. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**TOWN OF HIGHLAND, INDIANA
ORDINANCE NO. 1564**

**AN ORDINANCE DESIGNATING AN ECONOMIC DEVELOPMENT TARGET AREA
WITHIN THE BOUNDARY OF AN ECONOMIC REVITALIZATION AREA ESTABLISHED
BY RESOLUTION 2007-23 ADOPTED MAY 17, 2007 THAT IS LOCATED AT 8516 HENRY
STREET TO ENABLE PROPERTY TAX ABATEMENT FOR RETAIL USES**

WHEREAS, Indiana Code 6-1.1-12.1; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, On April 23, 2007, the Highland Town Council passed **Resolution No. 2007-10** designating an Economic Development Revitalization Area at as part of the Highland Downtown Redevelopment Area, which includes **8516 Henry Street**, confirmed with **Resolution No. 2007-23**, adopted on May 17, 2007; and

WHEREAS, IC 6-1.1-12.1-3(e) provides that any facility the primary purpose of which is retail food or beverage service; automobile sales or service; or other retail is not eligible for property tax abatement unless the facility is located in an Economic Development Target Area; and

WHEREAS, The Highland Redevelopment Commission desires to have the Real Estate located at **8516 Henry Street** designated as an Economic Development Target Area for the purpose of offering property tax savings for retail uses; and

WHEREAS, IC 6-1.1-12.1-7(a)(1) enables the Town Council to designate an Economic Development Target Area by ordinance after a favorable recommendation by the Economic Development Commission in a specific geographic territory that *“has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property”*; and

WHEREAS, IC 6-1.1-12.1-7(b) enables the Town Council to designate up to 15% of the total geographic territory of the town to be in Economic Development Target Areas;

WHEREAS, At a meeting held August 21, 2014 the Highland Economic Development Commission determined the area proposed for an Economic Development Target Area within the Economic Revitalization Area that is located at 8516 Henry Street is substantially less than 15% of the total geographic territory of the town; and

WHEREAS, At the meeting held August 21, 2014, the Highland Economic Development Commission unanimously recommended designation of an Economic Development Target Area located at 8516 Henry Street to enable property tax abatement for retail uses; and

NOW THEREFORE, IT IS FOUND, DETERMINED AND ORDAINED, by the Town Council of the Town of Highland as follows:

Section 1. That the foregoing findings in the preamble to this ordinance are true, all information required to be submitted has been submitted in proper form and all requirements for approval of property tax abatement for retail uses located at the following legally described parcel have been met:

Parcel #45-07-21-326-007.000-026
Legal Description: Kennedy Center Lot 3 and Kennedy Second Addition Lots 1 & 2, North Township South, Part of Section 20, Lake County, Indiana, commonly known as 8516 Henry Street, Highland,

Section 2. That the real estate within the Economic Revitalization Area established by **Resolution No. 2007-10 passed on April 23, 2007**, designating an Economic Development Revitalization Area at as part of the Highland Downtown Redevelopment Area, confirmed with **Resolution No. 2007-23**, adopted on May 17, 2007, which includes **8516 Henry Street**, as described in the attached Exhibit incorporated herein by reference, is found to be, declared and designated an Economic Development Target Area;

Section 3. That a property owner within said Economic Development Target Area who seeks tax abatement must submit an application of a form approved by the Redevelopment Commission and a “Statement of Benefits” (Form SB-1) prescribed by the Indiana Department of Local Government Finance before installing new equipment or before the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. The application fee shall be \$250.00 to defray actual processing and administrative costs.

Section 4. That in the consideration of all abatement applications for retail uses, the Town Council will hold a public hearing before making its decision whether to approve a deduction. The Town Council may approve a deduction period up to ten (10) years.

Section 5. That following this ordinance’s introduction but before any formal action is taken upon it, the proper officer shall cause legal notice to be published of a public hearing on the merits of this proposed ordinance, to take place on Monday, September 8, 2014 at 7:00 p.m., at the room in the Highland Municipal Building, 3333 Ridge Road, Highland;

Section 6. That following a public hearing, if the ordinance is adopted, the Clerk-Treasurer is authorized and directed to file a copy of this ordinance, including a description of the real estate as contained in **Exhibit A**, with the Lake County Auditor and the Department of Local Government Finance.

Introduced and Filed on the 25th day of August 2014. Consideration on same day or at same meeting of introduction was not sought pursuant to IC 36-5-2-9.8, in order to allow the proper legal notice to be published and a public hearing to be conducted on the action contemplated by this ordinance before its passage and

adoption, as set forth in Sections 5 and 6 of this ordinance.

DULY ORDAINED and ADOPTED this 8TH Day of September 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Public Hearing:** On the matter of Granting Tax abatement, for a period not to exceed 10 years, to Petitioner Mr. Mark Fleishman of Safety Training Services, Incorporated for remodeling at 8516 Henry Street, Avenue, bringing \$672,935 in new assessed value and 10 new jobs plus 34 existing jobs. (*Resolution No. 2014-31 was adopted at 25 August 2014 Council meeting setting this matter for consideration at this meeting.*)
- (a) Attorney verification of proof of publication: The TIMES 28 August 2014. The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments. The hearing was closed.
- (c) Consideration of **Resolution No. 2014-36: A Resolution Confirming Terms And Conditions Applicable To An Application For A Property Tax Abatement For The Conversion Of An Application For Property Tax Abatement Related To Proposed Conversion Of An Existing Vacant Facility Into Training And Education Facility At 8516 Henry Street**

Councilor Herak moved the passage and adoption of Resolution No. 2014-36. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND, INDIANA
RESOLUTION NO. 2014-36

A RESOLUTION CONFIRMING TERMS AND CONDITIONS APPLICABLE TO AN APPLICATION FOR A PROPERTY TAX ABATEMENT FOR THE CONVERSION OF AN APPLICATION FOR PROPERTY TAX ABATEMENT RELATED TO PROPOSED CONVERSION OF AN EXISTING VACANT FACILITY INTO TRAINING AND EDUCATION FACILITY AT 8516 HENRY STREET

Applicant: Mr. Mark Fleishman for Safety Training Services, Inc.

WHEREAS, Indiana Code 6-1.1-12.1 et seq.; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, Property tax abatement, if approved, is applied as a deduction in the increase in assessed value that results from investment in new construction or rehabilitation of property; and

WHEREAS, On May 17, 2007, the Highland Town Council adopted **Resolution No. 2007-23** designating and confirming an Economic Development Revitalization Area including **8516 Henry Street (Exhibit A)**; and

WHEREAS, An application for property tax abatement for a conversion of an existing vacant building into an OSHA training and education facility (the "Project") to be located on premises legally described as follows:

Parcel #45-07-21-326-007.000-026

Legal Description: Kennedy Center Lot 3 and Kennedy Second Addition Lots 1 & 2, North Township South, Part of Section 20, Lake County, Indiana in the Town of Highland, Lake County, Indiana a/k/a 8516 Henry Street (the "Real Estate")

has been received from Mark Fleishman for **Safety Training Services, Inc.**, a copy of which is attached and incorporated herein by reference (**Exhibit B**); and

WHEREAS, Said application proposes a \$672,935.00 conversion of a facility, for a net estimated value upon completion of \$1,309,635; that would bring an existing thirty-four (34) jobs plus six (6) additional full-time and ten (10) part-time jobs to Highland with an existing payroll in the amount of \$525,000 and an additional estimated \$293,280 increase in annual payroll; and that may not proceed but for approval of tax abatement by the Town Council; and

WHEREAS, \$636,700 is the most recent assessed value of the property that is the subject of this resolution, and

WHEREAS, \$1,309,635 is the owner's estimated assessed value of the property upon completion of the Project; and

WHEREAS, The Real Estate is located within an Economic Revitalization Area within the Town of Highland; and

WHEREAS, At a meeting held August 13, 2014, the Highland Redevelopment Commission recommended tax abatement for the proposed development dependent upon the consistency of the project's plans with its design standards; and

WHEREAS, The Act empowers the Town Council to approve a deduction as percentage of the increase in assessed value that results from investments in new construction or rehabilitation of property by following a procedure hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution; and

WHEREAS, The Town Council adopted **Resolution 2014-31** fixing 7:00 PM, Monday, September 8, 2014 in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving testimony, remonstrances and objections from persons interested in or affected by the proposed application for tax abatement and directed the publication of notice of said hearing in accordance with the requirements of applicable law and notice was published ten days prior to the public hearing; and

WHEREAS, Notice of the public hearing was given to taxing units consistent with statutory requirements of IC 6-1.1-12.1-3 (a) to provide a "Statement of Benefits" expected to be derived from the proposed application ten days prior to the public hearing; and

WHEREAS, Town of Highland has heretofore established a Economic Revitalization Area consistent with its guidelines to create a positive image for the town through well designed, high quality development; increase jobs and generate tax revenues through new development; encourage development of business opportunities for all; encourage private investment along the corridor; enhance district neighborhoods through increased well planned economic opportunities; and to aid in the elimination of incomplete or inappropriate land uses; and

WHEREAS, Real estate located at 8516 Henry Street, Highland, Indiana continues to be undesirable for, or impossible for, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values of or prevent a normal development of property or use of property, and/or such real estate includes a facility or group of facilities that are technologically, economically, or energy obsolete and which such obsolescence may lead to a decline in employment and tax revenues; and

WHEREAS, In considering the application and statement of benefits submitted by the petitioner, the Town Council has considered the effective utilization of vacant urban land, the stabilization and conservation of neighborhoods, the rehabilitation and replacement of obsolete and deteriorated structures, improvements to the physical appearance of the Town, effective utilization of energy, avoidance of environmental harm and increases in employment and assessed value of property located within the Town; and

WHEREAS, The Town Council now desires to affirmatively act upon the application for tax abatement from Mr. Mr. Mark Fleishman for Safety Training Services, Incorporated a petitioner who seeks to invest, redevelop and rehabilitate property located at 8516 Henry Street, Highland, Indiana, a property located in the established Economic Revitalization Area,

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. Having reviewed the designation application and statement of benefits as filed by the petitioner, pursuant to IC 6-1.1-12.1 et seq., and having conducted a public hearing on Monday, September 8, 2014 regarding this matter, the Town Council as the designating body for the Town of Highland hereby makes the following findings and determinations, pursuant to IC 6-1.1-12.1-3(b):

(A) That the Town Council finds and determines in the affirmative that the estimate of the value of the redevelopment or rehabilitation project located at **8516 Henry Street, Highland, Indiana**, consisting of construction costs of \$672,935 will yield an estimated final assessed value of **\$1,309,635**, representing an estimated \$672,935 increase over the current assessed value of **\$636,700** is reasonable for projects of this nature;

(B) That the Town Council finds and determines in the affirmative that the estimate of six (6) individuals at full-time and ten (10) individuals at part-time who will be employed and the

thirty-four (34) individuals whose employment will be retained, for a total of forty-four (44) jobs, can be reasonably expected to result from the proposed redevelopment and rehabilitation;

(C) That the Town Council finds and determines in the affirmative that the estimate of a \$525,000 existing annual payroll with an increase of an additional estimated \$293,280 to the annual payroll per year for those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(D) That the Town Council finds and determines in the affirmative that all other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation;

(F) That the Town Council finds and determines in the affirmative that the totality of benefits from the increased private investment by the applicant within the Economic Revitalization Area is sufficient to justify the deduction authorized by this resolution.

Section 2. That **Resolution 2014-31** adopted by the Town Council on August 25, 2014, is hereby confirmed and the application for **property tax abatement** upon the *increase in assessed value* in consequence of a conversion of a sporting goods facility and warehouse to an auto dealer facility, located at 8516 Henry Street, Highland, Indiana, which is the subject of this resolution, is hereby approved for a period of time **not to exceed ten (10) calendar years**, according to the schedule in IC 6-1.1-12.1-4(d)(10), subject to continuing compliance with the statement of benefits, IC 6-1.1-12.1 et seq., and the terms of this resolution;

Section 3. That pursuant to enabling authority provided at IC 6-1.1-12.1-2(h)(6), and as set forth in Section 6 of the establishing ERA Resolution 2007-23, as a condition of approval for the deduction in assessed value, the applicant shall pay an application fee of \$250 plus contribute \$5,304 as an economic development fee, which cannot exceed 15% of the estimated tax savings to the applicant, with such payments to be made to the Town of Highland before permits are issued;

Section 4. That the proper officer is authorized and directed to file a certified copy of this resolution, including a description of the real estate Kennedy Center Lot 3 and Kennedy Second Addition Lots 1 & 2, North Township South, Part of Section 20, Lake County, Indiana in the Town of Highland, Lake County, Indiana a/k/a 8516 Henry Street (the "Real Estate") as contained in Exhibit A to this Resolution, with the Lake County Auditor, and such authorities as may be necessary to perfect this tax abatement authorization, pursuant to IC 6-1.1-12.1-3(d).

DULY RESOLVED and ADOPTED this 8TH Day of September 2014 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

EXHIBIT A

Legal Description of Real Estate, which is the subject of this Resolution No. 2014-36:

Parcel #45-07-21-326-007.000-026

Legal Description: Kennedy Center Lot 3 and Kennedy Second Addition Lots 1 & 2, North Township South, Part of Section 20, Lake County, Indiana in the Town of Highland, Lake County, Indiana a/k/a 8516 Henry Street (the "Real Estate")

EXHIBIT B

Application for Tax Abatement from Fleishman (On file)

4. **Executive Proclamation:** A Proclamation in Recognition of September 17-23, 2014 as United States Constitution Week in the Town of Highland. The Clerk-Treasurer read aloud and the Town Council President adopted with his signature the Executive Proclamation.

**TOWN OF HIGHLAND
PROCLAMATION OF the TOWN EXECUTIVE**

**A PROCLAMATION IN RECOGNITION OF U.S. CONSTITUTION WEEK
SEPTEMBER 17-23, 2014**

Whereas, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

Whereas, September 17, 2014 marks the two hundred twenty-seventh anniversary of the signing of the Constitution of the United States of America by the 1787 Constitutional Convention, led by George Washington, James Madison and Benjamin Franklin, brilliant men who created a new of government that became the standard for self-government to the world; and

Whereas, It the privilege and duty of the American people to commemorate the anniversary of the drafting of this magnificent document, the guardian of our liberties; and

Whereas, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States, designating September 17 through 23 as Constitution Week,

Now, Therefore, I, Dan Vassar by virtue of the authority vested in me as President of the Town Council of the Town of Highland, Lake County, Indiana, now hereby proclaim the week September 17 through 23, as U.S. *Constitution Week* in the Town of Highland;

Be it Further Proclaimed, That the citizens of Highland are hereby urged to reaffirm the ideals the Framers of the Constitution possessed in 1787 by reflecting on the privilege of being an American with all the rights and responsibilities which that privilege involves.

In Witness Whereof, I have hereunto set my hand and caused the Corporate Seal to be affixed at the Highland Municipal Building this 8TH day of September in the year of our Lord, two thousand fourteen, the period of Highland's incorporation, the one hundred-fourth and the Independence of the United States of America, the two hundred thirty-eighth.

**TOWN of HIGHLAND, INDIANA
 BY ITS TOWN COUNCIL PRESIDENT**

/s/Dan Vassar

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
 Clerk-Treasurer

Staff Reports:

The Clerk-Treasurer read the following reports into the record.

- Building & Inspection Report for July 2014 and August 2014 will be submitted in a future meeting.
- **Fire Department Report for July 2014**

	Month	2nd half of year
General Alarms	14	14
Still Alarms	07	07
Paid still alarms	13	13
Total:	34	

- **Fire Department Report for August 2014**

	Month	2nd half of year
General Alarms	10	24
Still Alarms	6	13
Paid still alarms	11	24
Total:	17	

• **Workplace Safety Report for August 2014**

The following incident summary was filed:

Department	Injuries this Month	Year to Date 2014	Total in 2013	Restricted Days 2014	Lost Workdays This Year (2014)	Restricted Days Last Year (2013)	Lost Workdays Last Year (2013)
Parks	1	1	2	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	2	8	0	1	0	0
Street	0	0	4	0	0	43	0
Water & Sewer	1	6	3	154	48	126	0
Maint.	0	3	0	5	47	0	0
Other	0	1	4	0	0	0	0
TOTALS	2	13	22	159	96	169	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Works Board Order No. 2014-26:** An Order Of The Works Board Accepting The Proposal Of R & J Janitorial, Incorporated For Janitorial Services At The Highland Municipal Building.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2014-26. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2014-26**

AN ORDER OF THE WORKS BOARD ACCEPTING THE PROPOSAL OF R & J JANITORIAL, INCORPORATED FOR JANITORIAL SERVICES AT THE HIGHLAND MUNICIPAL BUILDING

Whereas, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for the care and maintenance of several public buildings throughout the Town of Highland not otherwise under another department and at the request of the Metropolitan Police Chief, the Director of Public Works has determined a need to seek janitorial services for the lower level offices housing the Police Department in the Highland Municipal Building in order to carry out this responsibility; and

Whereas, The Public Works Director, pursuant to Section 3.05.50 (D)(1) of the Highland Municipal Code, serves as the Purchasing Agent for the Public Works Department; and

Whereas, The Public Works Director drafted and issued requests for proposals of service to several service vendors known to perform building cleaning, maintenance and janitorial services, which are summarized below:

- (1) R&J Janitorial Services in the amount of \$2,600 per month;
- (2) Bryco Services, Inc., in the amount of \$3,400 per month;

Whereas, The Public Works Director has reviewed the several responses to the requests for proposals of service from several service vendors known to perform building cleaning, maintenance and janitorial services, evaluating them according to both quantitative and qualitative criteria; and,

Whereas, The Public Works Director wishes to recommend to the Town Council a service vendor to perform building cleaning, maintenance and janitorial services, believing that it best meets both the quantitative and qualitative criteria;

Whereas, The Town Council as the Works Board of the Municipality, pursuant to Section 3.05.030 (A)(1)(a) of the Highland Municipal Code serves as purchasing agency for the Public Works Department; and

Whereas, The purchase price is expected to exceed \$10,000.00 and, pursuant to Section 3.05.040 (C) of the Highland Municipal Code requires the express approval of the purchasing agency; and; and

Whereas, The purchase of services will be supported by the several funds of the Town and there is sufficient appropriation or resources in order to support the purchase of services; and

Whereas, The Town Council now desires to approve and authorize recommendation of the Public Works Director and allow the purchase of services pursuant to the terms stated herein.

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, as follows:

Section 1. That the proposal for services of **R & J Janitorial, Incorporated**, 2950 45th Avenue, Highland, Indiana, 46322, prepared and presented by Carl E. Hobson, which includes particular cleaning and maintenance duties for the lower level Police Department offices in the Highland Municipal Building, according to the written terms set forth in the proposal, is hereby accepted, approved and adopted in every respect;

Section 2. That the fees for performance of the service identified in the proposal of \$2,600 per month is found to be reasonable and fair for the services and frequencies described;

Section 3. That the Public Works Director or the Metropolitan Police Chief are hereby authorized to issue a purchase order, if applicable, to R & J Janitorial, Incorporated and to execute all documents necessary to implement the purchase of services thereof;

Section 4. That the proper officer of the municipality is hereby authorized to identify the several funds of the municipality that may be lawfully expended in order to support and implement the purchase of these services.

Be it so ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8TH day of September 2014 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Works Board Order No. 2014-27:** An Order of the Works Board Accepting the Quote for Excavation Services of Austgen Equipment Incorporated for excavation of Johnston Street between Garfield Avenue and Highland Street Being the Lowest Responsive and Responsible Quote in the amount of Fifty-four Thousand, Seven hundred fifty Dollars and No Cents (\$54,750).

Councilor Adams moved the passage and adoption of Works Board Order No. 2014-27. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**Town of Highland
Board of Works
Order of the Works Board No. 2014-27**

An Order of the Works Board Accepting the Quote for Excavation Services of Austgen Equipment Incorporated for excavation of Johnston Street between Garfield Avenue and Highland Street Being the Lowest Responsive and Responsible Quote in the amount of Fifty-four Thousand, Seven hundred fifty Dollars and No Cents (\$54,750)

Whereas, The Town Council for the Town of Highland has heretofore determined that a need exists to improve the portion of Johnston Street between Garfield and Highland Avenues, approving the **Johnston Street Reconstruction Project**; and

Whereas, The Public Works Director has informed the Town Council that owing to undue project demands, some tasks usually performed by members of the public works department cannot be performed presently, including certain excavation services; and

Whereas, The Public Works Director did solicit quotes or proposals from three contractors known to perform excavation services, according to discrete scope of services and specifications, pursuant to Section 3.15.180 of the Highland Municipal Code and IC 36-1-12-4.9; and

Whereas, Garcia Consulting Engineers had prepared plans and specifications for the project as well as estimates, and the lowest responsive and responsible proposal is within the Engineer's cost estimate for the scope of services; and

Whereas, The following contractors were invited to submit a quote or proposal

	Contractors	Proposal
1.	Austgen Equipment, Inc.	\$ 54,750.00
2.	Grimmer Construction, Inc.	\$ 83,922.00
3.	Walsh & Kelly, Inc.	no response

Whereas, Garcia Consulting Engineers and the Director of Public Works has reviewed the proposals and determined that the quote and proposal of *Austgen Equipment, Incorporated* in the amount of Fifty-four thousand, Seven Hundred fifty Dollars (\$54,750) to be the lowest responsive and responsible quote or proposal;

Whereas, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas The Town of Highland, through its Town Council, now desires to accept the recommendation of the Public Works Director and award a excavation services contract for the Johnston Street Reconstruction Project,

Now, Therefore, Be It Ordered by the Town Council of the Highland, Indiana, acting as the Works Board, as follows:

Section 1. That the quote and proposal of **Austgen Equipment, Incorporated** for excavation services for the Johnston Street Reconstruction Project in the amount of Fifty-four thousand, Seven Hundred fifty Dollars (\$54,750) is hereby accepted as the lowest responsive and responsible bid.

Section 2. That the Public Works Director and Clerk Treasurer are hereby authorized to execute the agreement and all documents necessary to implement the project.

Be it so ordered.

Duly Adopted, Resolved and Ordered by the Highland Town Council, Lake County, Indiana, this 8TH day of September 2014. Having been passed by a vote of 5 in favor and 0 opposed.

**BOARD OF WORKS OF THE TOWN OF
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Works Board Order No. 2014-28:** An Order Authorizing, Approving, Accepting and Adopting the First Amendment to Access Easement Agreement with Meijer Stores Limited Partnership, as Grantor and the Town of Highland as Grantee

Councilor Adams moved the passage and adoption of Works Board Order No. 2014-28. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
ORDER of the WORKS BOARD NO. 2014-28**

An Order Authorizing, Approving, Accepting and Adopting the First Amendment to Access Easement Agreement with Meijer Stores Limited Partnership, as Grantor and the Town of Highland as Grantee

Whereas, Meijer Stores Limited Partnership, a Michigan Limited Partnership, of 2929 Walker Avenue NW, Grand Rapids, Michigan 49544 and the Town of Highland, an Indiana municipality, 3333 Ridge Road, Highland, Indiana entered into an Access Easement Agreement dated June 18, 1997, recorded on June 20, 1997 as Instrument Number 97040107, in the office of the Lake County Indiana Recorder, in which Meijer Stores granted to the Town of Highland a permanent, non-exclusive access easement over and across the Property as such term is defined in the Easement described in Exhibit 1 attached hereto; and,

- Whereas,** By Corporate Deed recorded on April 26, 2001, as Instrument 2001 030766 in the Office of the Lake County Indiana Recorder, Meijer, Incorporated conveyed the entire property to Meijer Distribution, Inc.; and,
- Whereas,** By Corporate Deed recorded on April 27, 2001, as Instrument 2001 031150 in the Office of the Lake County Indiana Recorder, Meijer Distribution, Incorporated conveyed the entire property to Meijer; and,
- Whereas,** By Warranty Deed dated January 20, 2006, and recorded on January 31, 2006 as Instrument 2006 007353 in the Office of Lake County Indiana Recorder, Meijer conveyed a portion of the Property that is subject to the Easement to Halle Properties, L.L.C. (the "Halle Parcel"), and a retained portion of the Property that is subject to the Easement (the "Retained Parcel"); and,
- Whereas,** As permitted by Section 3 of the Easement, Meier desires to relocate that portion of the Easement Area (as defined in the Easement) that is located on the Retained Parcel and the parties desire to amend the Easement as set forth herein;
- Whereas,** The Town of Highland, through its Town Council, acting as the Works Board now wishes to finally authorize, approve the First Amendment to the Easement Agreement between the Town of Highland as Grantee and Meijer Stores Limited Partnership, a Michigan Limited Partnership, Of 2929 Walker Avenue NW, Grand Rapids, Michigan 49544 as Grantor,

Now, Therefore, Be It hereby Ordered by the Highland Town Council, acting as the Works Board of the Municipality as follows:

Section 1. That the First Amendment to Access Easement Agreement between the **Meijer (Grantor)** and the Town of Highland (Grantee) and made an exhibit attached to this order, is hereby authorized, approved, accepted and adopted in each and every respect;

Section 2. That the Town Council President as municipal executive is hereby authorized and instructed to sign the appropriate documents to executive the amendment to the agreement.

Be it so ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 8TH day of September 2014 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1549 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.
 - 4.1 *The Metropolitan Police Chief requests favorable action for R. Potesta, who is an FLSA exempt salaried employee, and investigations division commander, in the amount of \$647.04, for work associated with special event and an additional amount of \$100 for work associated with Highland Grove Mall Special Security.*
 - 4.2 *The Metropolitan Police Chief requests favorable action for Ken Balon, who is an FLSA exempt salaried employee in the amount of \$566.16, for work associated with special event.*

Councilor Kuiper moved to approve the overtime pay as indicated for the FLSA Exempt personnel. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime pay was approved as requested.

5. Authorize the proper officer to publish legal notice for a public hearing on proposed additional appropriations in the Plan Commission Department of the Corporation General Fund in the amount of \$20,000.

Councilor Herak moved, seconded by Councilor Kuiper to authorize the publication of legal notice as indicated. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication of legal notice for a public hearing to consider proposed additional appropriations were approved and authorized.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Park and Recreation Board • Liaison to the Town Board of Metropolitan Police Commissioners.*

Councilor Zemen acknowledged that the Parks and Recreation Superintendent was convalescing following a health episode. He further noted that he was doing well.

Councilor Zemen acknowledged the Metropolitan Police Chief who reported on the activity of the Traffic Safety Commission.

- **Councilor Mark Herak:** *Liaison to the Board of Waterworks Directors • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission.*

Councilor Herak expressed sympathies to the Town of Merrillville and the family of Officer Schultz on his line of duty death.

Councilor Herak acknowledged the Public Works Director who offered a brief survey of projects underway and the status of street resurfacing.

Councilor Herak also expressed his desire to review the current wage and salary ordinance provisions regarding special detail pay, which is much higher than the hourly rate paid officers working special details for weddings at Wicker Park, which is \$25 per hour.

- **Councilor Dennis Adams:** *Liaison to the IT Consultant.*

Councilor Adams who reported from the Lake County Solid Waste Management District that following the resignation of the Executive Director, Jeff Langbehn, Jeanette Romano would be serving as Interim Director.

- **Councilor Konnie Kuiper:** *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Building Commissioner who reported that the Plan Commission meeting was cancelled.

- **Council President Dan Vassar:** *Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law) • Redevelopment Commission Liaison.*

The Town Council President also expressed sympathy to the family of the late officer Nicholas Schultz.

The Town Council President acknowledged the Redevelopment Director who reported on the status of Redevelopment initiatives.

Comments from Visitors or Residents:

There were no comments from visitors or residents.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Zemen moved to allow the vendor accounts payable vouchers as filed on the pending accounts payable docket, covering the period August 26, 2014 through September 08, 2014 as well as the payroll docket for August 22, 2014. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors and payroll docket were allowed, payments allowed in advance were ratified, and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$185,970.11; Motor Vehicle Highway and Street (MVH) Fund, \$5,258.20; Unsafe Building Fund, \$775.00; Local Roads and Streets (LR&S) Fund, \$13,838.89; Law Enforcement Cont. Education and Supply Fund, 347.93; Flexible Spending Accounts (FSA) Agency Fund, \$1,213.84; Insurance Premium Fund, \$143,354.34; Information and Communications Technology Fund, \$5,073.08; Special Events Non Reverting Fund, \$25,254.99; General Improvement Fund, \$12.00; Traffic Violations Fund, \$9,000.00; Gaming Revenue Sharing Fund, \$140,991.69; Corporation Capital Fund, \$219,868.44; Total: \$ 750,958.44.

Payroll Docket for payday of August 22, 2014:

Council, Boards and Commissions, \$8,484.00; Office of Clerk-Treasurer, \$21,859.35; Building and Inspection Department, \$7,485.14; Metropolitan Police Department, \$100,354.00; Fire Department, \$2,710.12; Public Works Department (Agency), \$60,570.25 and 1925 Police Pension Plan Pension Fund, \$64,076.25; Total Payroll: \$265,539.11.

Adjournment. Councilor Adams moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, September 08, 2014 was adjourned at 7:32 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer